

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERIK NORDHAUSEN,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 1:18-cv-738

JUDGE DOUGLAS R. COLE

Magistrate Judge Litkovitz

ORDER

This cause comes before the Court on the Magistrate Judge's May 4, 2020, Report and Recommendation ("R. & R.") (Doc. 17). The Magistrate Judge recommends that:

1. The Court accept the Parties' Joint Motion for an Award of Attorney's Fees under the Equal Access to Justice Act (Doc. 16) and order the Commissioner to pay Plaintiff's attorney fees of \$2,750.00 and costs of \$400.00;
2. Counsel for the parties shall verify whether or not Plaintiff owes a preexisting debt to the United States subject to offset, consistent with *Astrue v. Ratliff*, 560 U.S. 586 (2010). If no such pre-existing debt exists, the Commissioner shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel; and
3. The case remains terminated on the docket of this Court.

The R. & R. advised both parties that a failure to object within the 14 days specified by the R. & R. may result in forfeiture of rights on appeal, which includes the right to District Court review. (See Doc. 17, #726). See also *Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C),

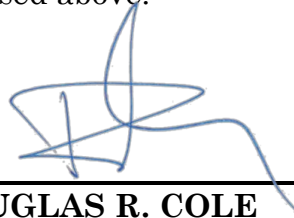
intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019) (noting "fail[ure] to file an objection to the magistrate judge's R&R ... is forfeiture, not waiver") (emphasis in original); 28 U.S.C. § 636(b)(1)(C). The time for filing objections has passed and none have been filed.

Therefore, the Court **ADOPTS** the Report and Recommendation (Doc. 17), **GRANTS** the Joint Motion for an Award of Attorney Fees Under the Equal Access to Justice Act (Doc. 16), and **ORDERS** the Commissioner to pay Plaintiff his attorney fees of \$2,750.00 and costs of \$400.00 as stated in the Joint Motion (Doc. 16), unless Plaintiff's award is subject to an offset as discussed above.

SO ORDERED.

June 17, 2020

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE